

2011 DRAFTING REQUEST

Bill

Received: 07/28/2011

Received By: mglass

Wanted: As time permits

Companion to LRB:

For: Joel Kleefisch (608) 266-8551

By/Representing:

May Contact:

Drafter: mglass

Subject: Courts - immunity liability

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kleefisch@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Bird hunting reserves as sport shooting ranges

Instructions:

wants bird hunting preserves under ch. 169 to be considered sports hunting ranges under s. 895.527

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 07/28/2011	chanaman 08/03/2011	jfrantze 08/03/2011	_____	sbasford 08/03/2011	ggodwin 08/10/2011	

FE Sent For:

none

<END>

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/?	mglass			<u>8/3</u>			

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<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-24777

MGG: /

cmh

W
7127

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{182 cat}...; **relating to:** civil actions and zoning conditions related to noise that
2 are applicable to bird hunting preserves.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or operates a sport shooting range is immune from civil liability relating to noise and is not subject to an action for nuisance related to noise or to zoning conditions related to noise. Under this bill, bird hunting preserves that licensed by the ⁹¹ ~~the~~ Department of Natural Resources are considered to be sport shooting ranges for purposes of these liability, nuisance, and zoning provisions. ⁵

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 895.527 (1m) of the statutes is created to read:

4 895.527 (1m) For purposes of this section, a bird hunting preserve licensed
5 under s. 169.19 shall be considered a sport shooting range.

6 (END)

Godwin, Gigi

From: Rep.Kleefisch
Sent: Wednesday, August 10, 2011 12:39 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2477/1 Topic: Bird hunting reserves as sport shooting ranges

Please Jacket LRB 11-2477/1 for the ASSEMBLY. Thank you.



Stephen R. Miller
Chief

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

One East Main Street, Suite 200
P. O. Box 2037
Madison, WI 53701-2037
www.legis.wisconsin.gov/lrb/

Legal Section: (608) 266-3561
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Reference Section: (608) 266-0341
Reference Fax: (608) 266-5648

\$

Date

for DATE select Create → Date

MEMORANDUM

To: Stephanie Kundert, Office of Rep. Joel Kleefisch

From: Mary Gibson-Glass, Senior Legislative Attorney

Subject: AB 231

This in response to your request for an analysis of AB 231 at it relates to local zoning authority.

Under s. 895.27, as amended in AB 231, a bird hunting preserve licensed by DNR is to be treated in the same manner as as sport shooting range. This results in a bird hunting preserve being exempt ~~ed~~ from local "zoning conditions" related to noise. It also allows a city, village, town, or county to regulate the hours that an outdoor sporting range may operate. See s. 895.27 (3) and (6) under current law and the creation of s. 895.527 (1m) in the bill.

Under s. 66.0409 of the statutes, which deals with local regulation of firearms, s. 66.0409(2) states: **Except as provided in subs. (3) and (4)**, no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

Subsection (3) (b) authorizes ^acity, village, or town (but not a county) to enact ordinances that restrict the discharge of firearms. Subsection (4) (c) authorizes a city, village, town, or county to enact a zoning ordinance that regulates the new construction of a sport shooting range or the expansion of an existing sport shooting range that would impact public health and safety. Subsection (4) (c) does not apply to bird hunting preserves because s. 66.0409 has not been amended to include bird hunting preserves. If you want the provision in s. 66.0409 (4) (c) to apply, an amendment to the bill would be required.

Besides the suggested amendment discussed above, in my opinion, AB 231 does not otherwise affect local zoning authority granted under existing statutes ^{that is} as it relates to sport shooting ranges.



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January 12, 2012

MEMORANDUM

To: Stephanie Kundert, Office of Rep. Joel Kleefisch

From: Mary Gibson-Glass, Senior Legislative Attorney

Subject: 2011 AB 231 treated 2011 Assembly Bill 231

This is in response to your request for an analysis of (AB-231) as it relates to local zoning authority.

Under s. 895.27, as amended in AB-231, a bird hunting preserve licensed by DNR is to be treated in the same manner as sport shooting range. This results in a bird hunting preserve being exempt from local "zoning conditions" related to noise. It also allows a city, village, town, or county to regulate the hours that an outdoor sport shooting range may operate. See s. 895.27 (3) and (6) under current law and the creation of s. 895.27 (1m) in the bill.

Under s. 66.0409 of the statutes, which deals with local regulation of firearms, s. 66.0409 (2) states: **Except as provided in subs. (3) and (4)**, no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

Subsection (3) (b) authorizes a city, village, or town but not a county to enact ordinances that restrict the discharge of firearms. Subsection (4) (c) authorizes a city, village, town, or county to enact a zoning ordinance that regulates the new construction of a sport shooting range or the expansion of an existing sport shooting range that would impact public health and safety. Subsection (4) (c) does not apply to bird hunting preserves because s. 66.0409 has not been amended to include bird hunting preserves. If you want the provision in s. 66.0409 (4) (c) to apply, an amendment to the bill would be required.

Besides the suggested amendment discussed above, in my opinion, AB-231 does not otherwise affect local zoning authority that is granted under existing statutes as it relates to sport shooting ranges.



Stephen R. Miller
Chief

State of Wisconsin

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January 12, 2012

MEMORANDUM

To: Stephanie Kundert, Office of Rep. Joel Kleefisch

From: Mary Gibson-Glass, Senior Legislative Attorney

Subject: 2011 AB-231

This is in response to your request for an analysis of 2011 Assembly Bill 231 (AB-231) as it relates to local zoning authority.

Under s. 895.527, as treated in AB-231, a bird hunting preserve licensed by DNR is to be treated in the same manner as a sport shooting range. This results in a bird hunting preserve being exempt from local "zoning conditions" related to noise. It also allows a city, village, town, or county to regulate the hours that an outdoor sport shooting range may operate. See s. 895.527 (3) and (6) under current law and the creation of s. 895.527 (1m) in the bill.

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Subsection (3) (b) authorizes a city, village, or town, but not a county, to enact ordinances that restrict the discharge of firearms. Subsection (4) (c) authorizes a city, village, town, or county to enact a zoning ordinance that regulates the new construction of a sport shooting range or the expansion of an existing sport shooting range that would impact public health and safety. Subsection (4) (c) does not apply to bird hunting preserves because s. 66.0409 has not been amended to include bird hunting preserves. If you want the provision in s. 66.0409 (4) (c) to apply, an amendment to AB-231 would be required.

Besides the suggested amendment discussed above, in my opinion, AB-231 does not otherwise affect local zoning authority that is granted under existing statutes as it relates to sport shooting ranges.